

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

BRITTNEY SEABOLT,

Plaintiff,

vs.

PURDY BROTHERS TRUCKING,  
LLC, COLONIAL FREIGHT  
SYSTEMS, INC., JARON  
WHITMORE, ABC INSURANCE  
COMPANY, & XYZ INSURANCE  
COMPANY,

Defendants.

CIVIL ACTION FILE NO.:

DEFENDANTS DEMAND A JURY  
TRIAL

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**NOTICE OF REMOVAL**

Defendants Purdy Brothers Trucking, LLC, Colonial Freight Systems, Inc., and Jaron Whitmore (collectively referred to herein as "Defendants") file this *Notice of Removal* and show this Court the following:

1.

Plaintiff filed a civil action in the State Court of Gwinnett County, Georgia, with Civil Action File No. 23-C-03650-S1, alleging injuries stemming from a motor vehicle accident that occurred on June 28, 2021 on Interstate 85 Northbound in

Gwinnett County, Georgia. Plaintiff's Complaint names Purdy Brothers Trucking, LLC, Colonial Freight Systems, Inc., and Jaron Whitmore as Defendants. The entire state court file is attached hereto as **Exhibit A**.

2.

At the time the Complaint was filed, Plaintiff was a citizen of the State of Georgia.

3.

At the time the Complaint was filed, Defendant Colonial Freight Systems, Inc. was a foreign corporation incorporated under the laws of the State of Alabama with its principal place of business in Tennessee.

4.

At the time the Complaint was filed, Defendant Purdy Brothers Trucking, LLC was a foreign limited liability company organized under the laws of the State of Delaware with its principal place of business in Tennessee. Purdy Brothers Trucking, LLC has one member, P & S Acquisition, LLC, a limited liability company organized under the laws of Delaware. The sole member of P & S Acquisition, LLC is PS Holdco, LLC, a limited liability company organized under the laws of Delaware. The sole member of PS Holdco, LLC is PS Parent, LLC, a limited liability company organized under the laws of Delaware. The sole member

of PS Parent, LLC is Carriage Purchaser, Inc., a corporation incorporated under the laws of Delaware with a principal place of business in Alabama. For diversity purposes, Purdy Brothers Trucking, LLC is a citizen of Delaware and Alabama. None of the aforementioned entities have their principal place of business in Georgia, and none of their members are citizens of Georgia.

5.

At the time the Complaint was filed, Defendant Jaron Whitmore was a citizen of the State of Kentucky.

6.

In the Complaint, Plaintiff alleges that she has incurred “severe” and “painful” physical and mental injuries due to the subject motor vehicle accident. (See Compl. at ¶¶ 20, 21, 46, 49).

7.

Plaintiff alleges that her physical and mental injuries were accompanied by conscious pain and suffering and required medical treatment, and she continues to accrue medical expenses as a result of those injuries. (Id. at ¶¶ 21, 46, 47, 48, 49, 50, 51).

8.

Although Plaintiff’s complaint does not specify the amount of damages she is

seeking, she states that, in addition to past and future medical expenses, she has suffered and will continue to suffer “past, present, and future emotional and physical pain and suffering, disability, and loss of quality of life.” (*Id.* at ¶¶ 49, 50, 51).

9.

As set forth in the paragraphs above, it is facially apparent from the Complaint that Plaintiff will be seeking damages in excess of \$75,000. See Roe v. Michelin North America, Inc., 613 F.3d 1058, 1061 (11th Cir. 2010) (Removal is proper when it is “facially apparent from the pleading itself that the amount in controversy exceeds the jurisdictional minimum, even when the complaint does not claim a specific amount of damages”)(internal citations omitted).

10.

Additionally, based on communications with opposing counsel, Plaintiff’s past medical expenses are in excess of \$50,000.

11.

The total special and general damages at issue in this case exceed \$75,000, as evidenced by Plaintiff’s past medical expenses and Plaintiff’s claims in the Complaint for future medical damages, mental and physical pain and suffering, loss

of quality of life, and disability. Therefore, the amount in controversy requirement for removal is met.

12.

There is diversity of the parties at the time of this removal, which satisfies the remaining requisite elements of jurisdiction and entitles Defendants to remove this action to the United States District Court for the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C §§ 1332 and 1446.

13.

The foregoing action is properly removable to this Court pursuant to 28 U.S.C. § 1441(a), 28 U.S.C §§ 1446(a) and (b) and, in accordance with U.S.C. § 1332(a), there is complete diversity of citizenship between Plaintiff and Defendants, and the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.

14.

This Notice is filed in accordance with 28 U.S.C. § 1446 and pursuant to Rule 11 of the Federal Rules of Civil Procedure, with the consent of all Defendants and within thirty days from service of the Complaint upon Colonial Freight Systems, Inc.

15.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C § 1446.

16.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Gwinnett County, Georgia, as required by 28 U.S.C § 1446.

WHEREFORE, Defendants pray that the above-captioned lawsuit be removed to the United States Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted this 14th day of August, 2023.

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**BAKER, DONELSON, BEARMAN  
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*Attorneys for Defendants Purdy  
Brothers Trucking, LLC, Colonial  
Freight Systems, Inc., and Jaron  
Whitmore*

**CERTIFICATION PURSUANT TO LOCAL RULE 5.1B**

I certify this pleading was created in Times New Roman 14-point font with a 1.5" top margin in accordance with Local Rule 5.1B.

This 14th day of August, 2023.

BAKER, DONELSON, BEARMAN  
CALDWELL & BERKOWITZ, PC

/s/ Melody H. Demasi  
MELODY H. DEMASI  
Georgia Bar No. 988861

*Attorneys for Defendants Purdy  
Brothers Trucking, LLC, Colonial  
Freight Systems, Inc., and Jaron  
Whitmore*

**CERTIFICATE OF SERVICE**

I certify I served a copy of the foregoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF filing system, which will automatically send an email notification of such filing to the following attorney of record, as well as by U.S. Mail, to:

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Morgan E. Lyndall  
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This 14th day of August, 2023.

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